

REMARKS

Responsive to the Office Action dated June 7, 2006, Applicants hereby cancel Claims 54, 67, 72 and 73, add Claims 83-91, and submit that all of the pending claims are allowable.

Applicants affirm the election in accord with paragraph 4 of the Office Action. At least Claims 44 and 60 are generic claims.

As to Office Action paragraph 7, a Terminal Disclaimer is submitted herewith based on U.S. Patent No. 6 592 240 B2.

Turning to Office Action pages 8 and 9 Item 9 rejects Claims 44, 46, 49, 60, 62 and 67 on Grady '629. Grady column 4 lines 28 and 34 suggest two illumination sources, namely the incandescent lamp 38 shown in the drawings or LEDs not shown. However, Grady does not anticipate, or "read-on", independent Claims 44 and 60, as follows. Grady fails to teach in what direction an LED should be aimed with respect to his light transmitting bar 12. Indeed, Grady clearly shows (e.g. in Figure 4) that the common axis of his light bulb 40 and socket 44 is not aimed longitudinally of his light transmitting member 12 but rather at a wide angle, almost perpendicular to, the longitudinal axis of his light transmitting bar 12. Accordingly, in substituting an LED (not shown) for Grady light bulb 40, the teaching of Grady is not to aim the LED longitudinally of the Grady light transmitting bar 12, but rather to aim it along the mentioned common axis of the bulb 40 and socket 44 and hence at a wide, nearly perpendicular angle to the light transmitting bar.

As to rejected dependent Claims 46, 49, 62 and 67, Applicants submit as to dependent Claim 49, and generally as above indicated, that Grady does not suggest a light emitting diode having a "self-focused light beam aimed into said free end of said light transmitting member."

Further on that point, incandescent bulbs, like the Grady bulb 40, are conventionally omnidirectional in their light emission. Indeed, Grady Figure 4 schematically indicates rays

of light emanating from the filament of its bulb 40 in all directions, not a narrow beam or self-focused light beam aimed in any particular direction. Indeed, by far the major portion of the light emitted by the bulb 40 is directed away from the opposed free end of the light transmitting bar 12. Although some LEDs are of narrow beam or self-focused, aimed beam type, other LEDs have long been available which emit light in a more omnidirectional manner. For example, U.S. Patent 6,598,998, based on a U.S. application filed May 4, 2001 and assigned to Lumileds Lighting, U.S., LLC of San Jose, California, discloses a side emitting LED. Luxeon I side emitter LEDs are available from Lumileds and emit substantial light sidewardly as well as some light axially. That would be the type of LED compatible with the disclosed Grady device, whereas the type of LED disclosed and claimed by applicant would not be compatible with the disclosed Grady apparatus.

Accordingly, independent Claims 44 and 60 are believed to distinguish over Grady by reciting a narrow beam light emitting diode...aimed longitudinally of the light transmitting member. Added Claim 90 further highlights the light beam.

Claim 46 is dependent on Claim 44 and further distinguishes Grady in requiring that the first mounting member recess comprises (1) a relatively larger diameter outboard portion receiving the light transmitting member end portion and (2) a relatively smaller diameter inboard portion receiving a light emitting diode. In contrast, Grady Figure 4 shows substantially the opposite, namely a relatively smaller diameter outboard portion 46 receiving the light transmitting member end 28 and a relatively larger diameter inboard chamber in which the bulb 40 is located.

As to dependent Claim 49, Grady fails to teach a light source having a self-focused light beam aimed into the free end of the light transmitting member, but instead clearly teaches the opposite, namely an omnidirectional light source 40 the majority of whose light output is directed away from the free end of the light transmitting member.

Turning now to claims dependent from Claim 60, dependent Claim 62 further distinguishes over Grady substantially for the reasons given above with respect to dependent Claim 46.

As to dependent Claim 67, same is cancelled without prejudice.

Applicants further argue against the rejection of dependent Claims 48 and 54 as being obvious in view of Grady as follows. As to dependent Claim 48, Examiner asserts that it would have been obvious to shape and size the bar end or mounting bracket to provide visually unbroken contours "since it has been held that matters relating to ornamentation only, which has no mechanical function, cannot be relied on to patentably distinguish." Applicant's Claim 48 requirement, that the bar and bracket have adjacent outer peripheral surfaces which are mutually flush such that the bar continues to peripheral contour of the bracket in a visually unbroken manner, is not a "matter relating to ornamentation only" nor a matter "which has no mechanical function." Applicant's claimed structure functions to provide the hand of the user with an even, unbroken grip, whether in contact with the light transmitting bar alone, the adjacent portion of the handle alone, or both, offering the same diameter grip in each instance a matter of mechanical function not ornamentation. Moreover, Applicant's claimed structure eliminates the sharp, protruding edge of the Grady bracket (see for example Grady Figure 4 above and to the left of the reference numeral 46, where the light transmitting bar 12 enters the Grady bracket), with applicant's claimed structure thereby eliminating the risk in the Grady bracket of (1) snagging the shirt or the coat cuff or glove mouth of the user or (2) hurting the hand or wrist of the user upon gripping the light transmitting bar adjacent the Grady bracket or sliding along the Grady light transmitting bar forcibly into contact with the Grady bracket, wherein such advantages are again a matter not of ornamentation but rather of mechanical function. Accordingly,

the above discussed recitation of dependent Claim 48 is not made obvious by Grady.

The rejection of Claim 54 is made moot by cancellation of the claim, without prejudice.

Added Claim 91 further defines the bar construction.

The rejection of Claim 63 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over mentioned claims of applicant's parent patent 6,592,240 in view of Knauer, is believed overcome by the above mentioned Terminal Disclaimer.

Aside from that, Knauer teaches providing fiber optic cables 50c fixed in tubular end fittings 56a, 58a, having a forward tapered outer periphery 58a extending forward from a radial flange 56a, for respective insertion into a correspondingly tapered opening 64 in a connector 62 and abutting of the end of such connector, wherein at least one of the connector 62 and member 56a is of slightly resilient plastic material "to provide the desired grip between components". The conical recesses 64 "have essentially the same counter taper angle as the connector ends 56a." Thus Knauer teaches a tapered friction connection between opposed tapered fittings fixed on the ends of opposed fiber optic cables by a hollow tubular connector 62, all of which has nothing to do with mounting of a light transmitting bar in a mounting bracket, as in applicant's inventive device or in Grady. In particular, Knauer fails to suggest applicant's dependent Claim 63 recitation wherein both of applicant's mounting bracket recess and light transmitting bar end need not be tapered and the central axes of the mounting bracket recess and light transmitting bar end are joined in a range of relative angular positions. The problem met by applicant's dependent Claim 63 structure, namely manufacturing variations in the bend angle of different light transmitting bars in view of relatively wide manufacturing tolerances and the need to accommodate any of such light transmitting bars in a given

pair of mounting brackets, is not a problem contemplated by or solved by Knauer.

The rejection of dependent Claim 72 and 73 as obvious over Grady in view of Parson '214 is made moot by the cancellation without prejudice of Claims 72 and 73.

Examiner has not rejected dependent Claims 61 and 66 on prior art and same appear to have subject matter distinguishing over the references relied on by the Examiner. Thus, these claims may be rewritten in independent form to include the subject matter of their parent Claim 60 upon confirmation of the allowability of these claims. More particularly Claim 61 requires the light transmission bar to have a portion of a larger thickness and an end portion of a smaller thickness extending therefrom and having a substantially coplanar end face, with the end portion being telescoped and the recess in the mounting bracket and the light emitting diode being disposed in such recess adjacent the inboard end of such bar and aimed at such bar inboard end all of which distinguishes Grady. Further, Claim 66 requires the bar end portion to have an annular groove and an annular seal ring bearing on the interior peripheral surface of the mounting bracket recess, with the bar end portion being frictionally removably fixed in such recess, none of which is suggested by Grady.

Also, new Claim 83 and dependent Claims 84-89 are hereby added and define additional features not disclosed, taught or suggested by Grady.

Respectfully submitted,


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